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The University of Texas at Austin reacts to the Supreme Court's affirmative action decisions

June 23, 2003

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AUSTIN, Texas—The U.S. Supreme Court's landmark decision Monday (June 23) upheld the use of affirmative action in college admissions in two cases involving the University of Michigan at Ann Arbor, but rejected the way the school carried out affirmative action in its undergraduate admissions policy.

Dr. Larry R. Faulkner, president of The University of Texas at Austin, said the rulings in the Michigan case sweep away the restrictions of the 1996 Hopwooddecision, a decade-long case that eliminated the consideration of race in admittingstudents at the university's School of Law and other higher education institutionsin Texas.

"We are very pleased here at The University of Texas at Austin that the Supreme Court's rulings today place the state of Texas and higher education institutions in the state on the same competitive basis as education institutions throughout the United States," Faulkner said in a news conference.

The University of Texas at Austin will modify its admissions procedures to comply with the court's rulings in time for the fall 2004 semester, Faulkner said. This will include implementing procedures at the undergraduate level that combine the benefits of the Top 10 Percent Law with affirmative action programs that can produce even greater diversity, he said.

Establishing these procedures for graduate and professional programs will be a priority, Faulkner said, because "we don't have a good substitute for affirmative action" in those programs.

The Michigan rulings establish a new precedent under which individualized, "holistic" admissions procedures, such as those in place at The University of Texas at Austin that consider multiple factors in a high school student's background, are affirmed as legal, he said.

"While competition (in recruiting and admissions) is an issue for us, this gets to the heart of what we are trying to accomplish as an institution," Faulkner said. "There is a compelling responsibility for a central public institution like this one to act directly and positively to educate the leadership of the future.

"That leadership comes from all sectors of society," he said. "We have to actively engage in our obligation to meet that responsibility.Today's court decision makes it easier for us to accomplish that goal."

In a case involving Michigan's law school, the court upheld the admissions policy in a 5-to-4 decision. The majority said that the policy was narrowly tailored to further a compelling interest in "obtaining educational benefits that flow from a diverse student body."

In the undergraduate case, the majority said that the university's current policy, which is more formulaic, was not narrowly tailored to achieve educational diversity.

The rulings do not affect the Top 10 Percent Law in Texas, (officially House Bill 588), which guarantees that Texas high school graduates who rank in the top 10 percent of their senior class be admitted to any state institution of higher learning.

The University of Texas at Austin's preliminary fall 2003 enrollment figures show that students admitted automatically under the Top 10 Percent Law would account for 69 percent of the freshman class and about 75 percent of the incoming freshmen listed as Texas residents. That total could jump

The university is seeking a legislative approval of a cap on the percentage of automatically admitted Texas residents of 60 percent, Faulkner said.

"The inability to consider any factors other than the single criterion of high school rank is unhealthy for an institution of higher education," he said.

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